

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
SITTING AT GREENEVILLE

UNITED STATES OF AMERICA,) Case No.: 2:23-CR-111
v.)
SEAN CHRISTOPHER WILLIAMS,)
Defendant.)

PRETRIAL MEMORANDUM AS TO JOINDER OF 2:21-CR-27 AND 2:23-CR-111

Now comes the Defendant, by and through undersigned counsel, and hereby submits the Defendant's position as to joinder of the trials in cases numbered 2:21-CR-27 and 2:23-CR-111.

A. Introduction:

1. 2:21-CR-27 (“CR27”)

The Defendant is charged with two (2) counts of Escape in violation of 18 U.S.C. § 751 in case CR 27 by Second Superseding Indictment filed November 15, 2023. (2:21-CR-27, R. 66, Indictment, Page ID # 258 – 259) Count one alleges attempted escape from the Washington County, TN Detention Center on or about July 23, 2023. Count two alleges escape from the custody of the Laurel County, KY Detention Center on or about October 18, 2023. The Defendant was arraigned on the Second Superseding Indictment in CR27 during his appearance before the Court on December 21, 2023. (2:21-CR-27, R. 70, Criminal Minutes, Page ID # 269)

2. 2:23-CR-111 ("CR111")

The Defendant is charged with three (3) counts of violation of 18 U.S.C. § 2251(a) and (e). (R. 1, Indictment, Page ID # 1 -3) The counts allege violations on or about January 20, 2009, May 20, 2020, and December 23, 2020 respectively. (R. 6, Criminal Minutes, Page ID # 14). The Defendant was arraigned in CR111 on September 14, 2023. (R. 6, Criminal Minutes, Page ID # 14).

B. Whether both cases should be joined in one trial:

Separate cases may be tried together as though they were brought in a single indictment or information if all offenses could have been joined in a single indictment. Fed. R. Crim. P. 13. A single indictment may charge a defendant in separate counts with two or more offenses if the offenses charges are of the same or similar character, based on the same act or transaction, or are connected with or constitute parts of a common scheme or plan. Fed. R. Crim. P. 8.

The charges in CR 27 should be tried separately from the charges in CR 111. The charges in the two respective cases are not of similar character, based on the same act or transaction, or connected to a common scheme or plan. Accordingly, because the charges would likely not conform to the requirements of Fed. R. Crim. P. 8, the cases should not be tried together under Fed. R. Crim. P. 13.

Respectfully Submitted,

/s/ Joseph McAfee

Joseph O. McAfee, BPR #029291
McAfee & McAfee, PLLC.
127 South Main Street
Greeneville, TN 37743
Phone: (423) 638-7000
Fax: (423) 638-9999
Email: joseph@mcafeeattorneys.com

Attorney for Defendant

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